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TO: Commissioner for Patents - U.S. Patent Office
FAX NO.: 703-872-9306
FROM: R. Gale Rhodes, Jr.
DATE: 6/10/04
MATTER: Serial No. 10/757,208 Filed: 1/14/04
DOCKET NO.: 15254C
APPLICANT: Coburn

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**RECEIVED
CENTRAL FAX CENTER****MAY 24 2005****IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****PATENT APPLICATION**

Applicant(s): Joseph W Coburn, Jr.
Case No.: 15254C
Serial No.: 10/757,208 **Filed:** 1/14/04
Group Art Unit: 1772
Examiner: NORDMEYER, PATRICIA L.
Title: OPTICALLY DECORATIVE PRODUCT

RESPONSE**CERTIFICATE OF MAILING OR TRANSMISSION**

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N. Nordmeyer

MAIL STOP AMENDMENT
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S I R:

This is in response to the Office Action of May 2, 2005.

Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by Bonkowski et al., U.S. Patent No. 6,761,959 (Bonkowski). This rejection is respectfully traversed because Bonkowski does not "describe" Applicant's claimed invention, particularly as defined by the amended claims. To be a proper reference under 35 U.S.C. §102(e), Bonkowski must, "clearly and

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unequivocally disclose Applicant's claimed invention." *In re Vincent Arkley, Stephen Eardley and Alan Gibson Long*, 59 CCPA 804; 465 F.2d 586; 172 USPQ (BNA) 524, February 17, 1972. Bonkowski discloses and describes a security article which provides color shifting for security measures such as anti-counterfeiting. Bonkowski discloses, with regard to the embodiment of FIG. 1A, a light transmissive substrate 14 provided with a color shifting optical coating 16 comprising the absorber layer 18, dielectric 20 and reflector 22. This color shifting coating provides a shift in color depending upon the angle of incidence of the eye of the observer. Applicant's optically decorative product, as defined by amended claim 1, includes a layer of transparent polymeric material having opposed surfaces with one of the opposed surfaces provided with a plurality of parallel ridges and grooves and further includes an outer layer of substantially transparent colored polymeric material mounted to one of the opposed surfaces of the layer of transparent polymeric material. These layers, as further recited in independent claim 1, combine to produce in the presence of light a color effect image such that said layer of transparent polymeric material has an appearance other than that of a surface of the layer of transparent polymeric material and the image being other than coincident with the opposed surfaces of the layer of transparent polymeric material. The color effect image provided by Applicant's claimed optically decorative product does not shift in color as taught by Bonkowski at column 6, lines 40-45. Bonkowski's color shifting optical coating including the absorber layer 18, dielectric layer 20, and reflector layer 22 is not a layer of substantially transparent colored polymeric material as recited, inter alia, by independent claim 1 and hence Bonkowski does not "describe" Applicant's claimed invention, because the structural elements recited in Applicant's independent claim 1 are not "clearly and unequivocally" disclosed in Bonkowski.

It is submitted that dependent claim 2, due to its dependency on independent claim 1, is allowable for the same reasons set forth above with regard to independent claim 1 as amended. It is further submitted that dependent claim 2, as amended, defines an optically decorative product that is not described by Bonkowski, since Bonkowski does not disclose an optically

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decorative product including a layer of substantially transparent polymeric material of a single color as defined by amended claim 2.

With regard to dependent claim 6, it is submitted that dependent claim 6 is not properly rejected under 35 U.S.C. §102(e) for the same reason as set forth above with regard to amended independent claim 1 as well as for its further recitation of a substantially transparent iridescent material. The only reference in Bonkowski to iridescent material is at column 1, lines 30-36 where Bonkowski merely states the well known fact in the BACKGROUND OF THE INVENTION that an iridescent visual effect created by a diffraction grating is one of several very desirable decorative effects. This background statement of Bonkowski is merely that iridescent images are known in the prior art, and this statement in no manner "describes" Applicant's optically decorative product as defined by the structural elements recited in dependent claim 6 as dependent on independent claim 1. Accordingly, Applicant's optically decorative product as defined by amended independent claim 1 and dependent claim 6 is not "described" in Bonkowski because the structural elements recited in dependent claim 6 as dependent on independent claim 1 are not "clearly and unequivocally" disclosed in Bonkowski.

With regard to dependent claim 8, it is submitted that this dependent claim is allowable for the same reasons set forth above with regard to independent claim 1 as well as for its further recitation of a layer of reflective metallic material provided on the ridges and grooves. Bonkowski does not teach a layer of metallic material provided on his optical interference pattern 15, because if Bonkowski's optical interference pattern 15, note FIG. 1A, were coated with a layer of reflective material, the light would be reflected back and would never reach the color shifting coating 16 and hence Bonkowski could not provide a security article having color shifting. Accordingly, Bonkowski does not "describe" the structural elements recited in dependent claim 8 as dependent on independent claim 1 and hence claim 8 is allowable over Bonkowski under 35 U.S.C. §102(e).

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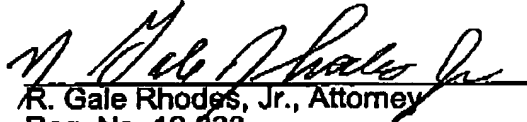
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The rejection of dependent claims 3-5, 7 and 9-12 as being obvious over Bonkowski under 35 U.S.C. §103(a) is respectfully traversed. Applicant's claimed layers of substantially transparent adhesive, substantially transparent colored adhesive, substantially transparent colored adhesive which is the same color as Applicant's claimed layer of substantially transparent colored polymeric material, do not perform the same function as Bonkowski's sputtering or physical vapor deposition used in forming Bonkowski's absorber layer 18, dielectric layer 20 and reflector layer 22. Applicant's claimed adhesive layers adhere adjacent layers of Applicant's optically decorative product together whereas Bonkowski's sputtering or physical vapor deposition does not adhere adjacent layers together but instead Bonkowski's sputtering and physical vapor deposition is the act of actually forming Bonkowski's absorber, dielectric and reflector layers. The act of forming a layer is not the same as the use of adhesive to adhere adjacent layers together. Accordingly, it is submitted that one of ordinary skill in the art would not find the differences between Applicant's claimed layers of substantially transparent adhesive and Bonkowski's sputtered or physical vapor deposited layers to be obvious. Accordingly, it is submitted that claims 3-5, 7 and 9-12 are non-obvious over Bonkowski under 35 U.S.C. §103(a). It is further submitted that these claims are allowable due to their direct or indirect dependency on amended independent claim 1, as well as for their further recited limitations.

In view of the foregoing, Applicant submits that all pending claims are allowable. Accordingly, both reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

5/24/05


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